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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/342,765	06/29/1999	DAVID J. MATZ	INTL-0215-US	7067
21906	7590	07/21/2006	EXAMINER	
TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			NGUYEN, CAO H	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/342,765

Applicant(s)

MATZ ET AL.

Examiner

Cao (Kevin) Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peyer (US Patent No. 6,188,401) in view of Doyle et al. (US Patent No. 5,838,906).

Regarding claims 1, 20 and 21, Peyer discloses a system comprising; a source containing multimedia data [...a web browser loads and renders the file or other multimedia content; see col. 3, lines 30-45]; and a markup language file associated with a script handler and loadable by the browser instance, the script handler executable to process multimedia data received from the source for presentation to the user interface [...a script handler executable to process multimedia data from the source for presentation to the computer interface, such as a browser interface; the user interface is implement using in particular, the user interface is implemented using individual

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HTML (hypertext markup language) components in conjunction with a global script written in a popular scripting language such as Javascript; a global script on that the web browser uses Javascript at run time (see col. 4, lines 1-41). However, Peyer fails to explicitly teach a browser adapted to establish a browser instance having user interface to display a representation of the multimedia data.

Doyle discloses a browser adapted to establish a browser instance having user interface to display a representation of the multimedia data [...a system that allows the accessing and manipulating of a large amounts of data over the Internet to a small clients computer; see col.6, lines 14-38.] It would have been obvious to one of an ordinary skill in the art, having the teachings of Doyle and Peyer before him at the time the invention was made, to modify the browser instance of Doyle to include the HTML file with script handler, as taught by Payer. One would have been motivated to make such a combination which suggested that it is really a design choice to have control display panel and display on a separate browser instance or to have the control and display on the same browser instance.

Regarding claim 2 and 22, Doyle discloses, wherein the mark-up language file includes a Hypertext Markup Language file (see col. 14, lines 13-39).

Regarding claims 3, and 23, Doyle discloses, wherein the source includes a compact disc (see col. 8, lines 36-55 and figure 4.)

Regarding claims 4 and 24, Doyle discloses, wherein the source includes a digital video disc provide an interface to the source (see col. 4, lines 25-55).

Regarding claims 5 and 25, Peyer discloses comprising a control module adapted to provide an interface to the source (see col. 6, lines 26-35).

Regarding claims 6 and 26, Doyle discloses, wherein the control module includes an ActiveX component (see col. 4, lines 12-16).

Regarding claims 7 and 27, Doyle discloses wherein the browser is capable of interfacing with an Activex component (see col. 6, lines 50-58).

Regarding claims 8 and 28, Peyer discloses wherein the user interface includes one or more user interface control components, and wherein the script handler is triggered in response to activation of a user interface control component (see col. 7, lines 7-39).

Regarding claims 9 and 29, Peyer discloses wherein the user interface includes one or more user interface display components to display information associated with the multimedia data (see col. 7, lines 40-58).

Regarding claims 10 and 30, Doyle discloses a system comprising a browser adapted to establish a browser instance having a user interface to display a presentation of the audio/video data (see col. 16, lines 8-46); and a file associated with predetermined instructions, the file loadable by the browser instance and the instructions executable to display information associated with the audio/video data in the source a source containing audio/video data; However, while Doyle teaches this, he fails to explicitly teach have the instructions executable to display information associated with audio/video data in the source. Peyer, teaches in his invention instruction to display information associated with audio/video data in the source. Peyer describes on col. 1, lines 64-67 that the user interface uses a web browser architecture in implement individual HTML (hypertext markup language) components in conjunction with a global script written in a popular scripting language such as Javascript." Furthermore, Peyer

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estates that Javascript can allow designer to multimedia and animation as described in Col. 4, lines 12-16. This is further described in Col. 3, lines 48-56 where the target of hyperlink can include audio segments and in Col. 6, lines 26-24, where video content can be viewed using a browser instance. Thus, it would have been obvious to one of ordinary skill in the art to modify the web browsing system of Doyle and Peyer to include the ability for a file with predetermined instruction to display information associated with audio/video data in the source of Peyer to obtain a web browsing system with the ability for a file with predetermined instructions to display information associated with audio/video data in the source. One of ordinary skill in the art would have been motivated to modify the web browsing system of Doyle and Peyer to include the predetermined instructions to display information associated with audio/video data in the source in order to provide a manner to view audio/video data and information associated with it within a web browser.

Régarding claims 11 and 31, Doyle discloses wherein the displayed information includes a status of the source (see col. 9, lines 24-57).

Claim 12 differs from claims 1 and 10 in that “a method of displaying information associated with loading a markup language file associated with a script handler; invoking the script handler to create a user interface in a browser instance” which read on Peyer; see col. 4, lines 12-34).

As claims 13-19 are analyzed as previously discussed with respected to claims 1-12 above.

***Response to Arguments***

Applicant's arguments filed on 05/05/06 have been fully considered but they are not persuasive.

In response to applicant's argument on pages 7-8 that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Peyer discloses a script handler executable to process multimedia data. Peyer teaches a script handler executable to process multimedia data from the source for presentation to the computer interface, such as a browser interface. As Peyer describes in the invention a method of using a global script to create appropriate user interface displays in response to system events. Peyer also teaches that the user interface is implemented using HTML. In particular, the user interface is implemented using individual HTML (hypertext markup language) components in conjunction with a global script written in a popular scripting language such as Javascript" as described in the last 4 lines of column 1. Furthermore, Peyer teaches that a global script 106 as seen in figure 3 as well as on Col. 7, lines 14-25 that the web browser uses Javascript at run time. Javascript is also discussed on Col. 4, lines 12-16, where it is clear that it is used for multimedia data to be presented within a web browser environment. It is evident that the script handler is used to create a user interface in a browser, where a scripted markup language file creates the interface. Thus, it would have been obvious to one of ordinary skill in the art to modify the system comprising a source containing multimedia data and a browser

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having a user interface, along with a browser instance having user interface of Doyle. One would have been motivated to make such a combination which suggested that it is really a design choice to have control display panel and display on a separate browser instance or to have the control and display on the same browser instance.

In response to applicant's argument that the prior art fails to show the obviousness of Peyer teaches a script handler executable to process multimedia data from the source for presentation to the computer interface used in combination of Doyle's a browser adapted to establish a browser instance having user interface to display a representation of the multimedia data, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

The applicant argues that Peyer and Doyle do not teach or suggest "a method of displaying information associated with loading a markup language file associated with a script handler; invoking the script handler to create a user interface in a browser instance". The examiner respectfully disagrees. As shown in Figures 1-8C, Peyer teaches JavaScript is an example of a currently popular scripting language. JavaScript allows a designer to add interactivity to HTML, to allow for user interaction and feedback, multimedia and animation, and to link HTML to other technologies such as Java, ActiveX, and plug-ins. To allow interactivity, JavaScript uses so-called "event handlers." With an event handler, a JavaScript can capture events that occur on a hypermedia document, such as the clicking of a form button or the mouse moving over a link. The event handler can then execute code in response to these



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actions. JavaScript uses what is referred to as a "document object model." This is a hierarchy of objects and their properties and methods. Through such properties and methods, a script can access and specify aspects of the Web browser itself, such as status lines, window positions and characteristics, date and time values, and a host of other features. A JavaScript can also expose its own properties and methods for use by other JavaScript components, as recited in col. 4, lines 12-42.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see PTO-892).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

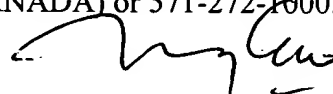
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cao (Kevin) Nguyen  
Primary Examiner  
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07/18/06